

Section \$



PATENT

Attorney Docket No.: 32301WD202

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:)
)
 Brigitte BATHE, et al.)
)
 Serial No. : 09/941,936)
)
 Filed: August 30, 2001)

Examiner: To Be Assigned

Group Art Unit: 1646

For : NUCLEOTIDE SEQUENCES CODING FOR THE sigC GENE

RESPONSE TO NOTICE TO FILE MISSING PARTS OF NON-PROVISIONAL APPLICATION, FILED UNDER 37 C.F.R. 1.53(b)

Attn.: Box Missing Parts
Asst. Commissioner for Patents
Washington, D.C. 20231

Sir:

In response to the Notice to File Missing Parts of Application mailed October 15, 2001, Applicants submit herewith the following documents relating to the above-captioned patent application:

- A copy of the Notice to File Missing Parts of Application;
- Executed Declaration and Power of Attorney;
- Preliminary Amendment;
- Sequence Listing Submission Statement;
- Sequence Listing with computer-readable disk; and
- Check for \$1,254.00.


The check in the amount of \$1,254.00 enclosed is to cover the following fees:

| | |
|-----------------------|---|
| Basic Filing Fee: | \$ 740.00 (large entity) |
| Add'l Claim Fee: | \$ 216.00 (12 additional claims over 20) |
| Add'l Ind. Claim Fee: | \$ 168.00 (2 additional ind. claims over 3) |
| Surcharge: | \$ 130.00 |
| TOTAL: | \$1,254.00 |

If any additional fees are due in connection with this filing, such as fees under 37 C.F.R. §§ 1.16 or 1.17, the Commissioner is authorized to charge the fees to SGR Deposit Account No. 02-4300; Order No. 032301.202. Similarly, please credit any overpayment to SGR Deposit Account No. 02-4300.

Respectfully submitted,

SMITH, GAMBRELL & RUSSELL, LLP

By:  45, 338
Robert G. Weilacher, Reg. No 20,531
1850 M Street, N.W., Suite 800
Washington, D.C. 20036
Telephone: (202) 659-2811
Facsimile: (202) 263-4329

Dated: December 14, 2001



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

| APPLICATION NUMBER | FILING/RECEIPT DATE | FIRST NAMED APPLICANT | ATTORNEY DOCKET NUMBER |
|--------------------|---------------------|-----------------------|------------------------|
| 09/941,936 | 08/30/2001 | Brigitte Bathe | 32301WD202 |

CONFIRMATION NO. 6329

00441

SMITH, GAMBRELL & RUSSELL, LLP
1850 M STREET, N.W., SUITE 800
WASHINGTON, DC 20036

FORMALITIES LETTER



OC000000006906919

Date Mailed: 10/15/2001

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.
Applicant must submit \$ 710 to complete the basic filing fee for a non-small entity. If appropriate, applicant may make a written assertion of entitlement to small entity status and pay the small entity filing fee (37 CFR 1.27).
- Total additional claim fee(s) for this application is \$376.
 - \$216 for 12 total claims over 20.
 - \$160 for 2 independent claims over 3.
- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(l) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 1216.

*A copy of this notice **MUST** be returned with the reply.*

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

12/16/2001 AGUITON 00000064 09941936

01 FC:101 740.00 00
02 FC:103 216.00 00
03 FC:102 160.00 00
04 FC:105 130.00 00